

Regular Session, 2012

HOUSE BILL NO. 457

BY REPRESENTATIVE KATRINA JACKSON

CRIMINAL/VICTIM COMP: Provides relative to crime victims reparations

1 AN ACT

2 To amend and reenact R.S. 46:1804 and 1806(A), relative to crime victims reparations; to
3 provide for notification requirements by the Crime Victims Reparations Board; to
4 provide relative to applications for reparations; to extend the time in which an
5 application for reparations is to be filed by certain applicants; and to provide for
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 46:1804 and 1806(A) are hereby amended and reenacted to read as
9 follows:

10 §1804. Eligibility to apply for reparations

11 A. A person who believes he is a victim of a crime enumerated in R.S.
12 46:1805, or his legal representative, or in the case of death, a dependent or the legal
13 representative of a dependent, or the rightful claimant as defined in R.S. 46:1802(4),
14 shall be eligible to make application to the board for reparations and shall be eligible
15 for an award of reparations in accordance with the provisions of this Chapter.

16 B. During the sentencing for a crime, the judge shall inform the victim of the
17 crime, or his legal representative, or in the case of death, a dependent or the legal
18 representative of a dependent or the rightful claimant, of the potential eligibility for
19 an award of reparations. The judge shall also provide the contact information for the
20 Crime Victims Reparations Board to such persons for submitting an application to
21 the board for an award of reparations.

22 * * *

1 §1806. Application; requirements; confidentiality

2 A.(1) An application for reparations shall be filed in writing with the board
3 within one year after the date of the personal injury, death, or catastrophic property
4 loss or within such longer period as the board determines is justified by the
5 circumstances. The application shall be valid only if the act resulting in the personal
6 injury, death, or catastrophic property loss was reported to the appropriate law
7 enforcement officers within seventy-two hours after the date of the personal injury,
8 death, or catastrophic property loss, or within such longer period as the board
9 determines is justified by the circumstances.

10 (2)(a) Notwithstanding the provisions of Paragraph (1) of this Subsection
11 and except as provided in Subparagraph (b) of this Paragraph, an application filed
12 by a dependent or legal representative of a deceased victim of a homicide offense,
13 or filed by a claimant as defined in R.S. 46:1802(4), shall be filed within five years
14 after the date on which the judgment of conviction becomes final or within five years
15 after the date on which the supreme court denies the defendant's first application for
16 appeal.

17 (b) Notwithstanding the provisions of Paragraph (1) of this Subsection, when
18 the death of the perpetrator occurs prior to a conviction for a homicide offense, an
19 application filed by a dependent or legal representative of a deceased victim of a
20 homicide offense, or filed by a claimant as defined in R.S. 46:1802(4), shall be filed
21 within five years after the date of the death of the perpetrator.

22 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Katrina Jackson

HB No. 457

Abstract: Extends the time period in which an application for crime victims reparations shall be filed for certain applicants, and requires notification to crime victims of potential eligibility for such reparations.

Present law provides that an application for reparations shall be filed in writing with the board within one year after the date of the personal injury, death, or catastrophic property loss or within such longer period as the board determines is justified by the circumstances.

Proposed law retains present law, but provides that an application filed by a dependent or legal representative of a deceased victim of a homicide offense, or filed by a claimant as defined in present law, shall be filed within five years after the date on which the judgment of conviction becomes final or within five years after the date on which the supreme court denies the defendant's first application for appeal. Proposed law further provides that when the death of the perpetrator occurs prior to a conviction for the homicide offense, the application shall be filed within five years after the date of the death of the perpetrator.

Proposed law requires the judge, during the sentencing for a crime, to inform the victim of the crime of the potential eligibility for an award of reparations and further requires the judge to provide the contact information for the Crime Victims Reparations Board.

(Amends R.S. 46:1804 and 1806(A))

Summary of Amendments Adopted by House

House Floor Amendments to the engrossed bill.

1. Added provision which states that when the death of the perpetrator occurs prior to a conviction for the homicide offense, the application shall be filed within five years after the date of the death of the perpetrator.
2. Added provision which requires the court to inform the victim of the crime of the potential eligibility for an award of reparations.